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UNITED STATES OF AMERICA.



ARTICLES

OF A

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Rhode Island

CONSTITUTION

ADOPTED BY THE

PEOPLE'S CONVENTION,

HELD OCTOBER 4, 1841,

AND POSTPONED TO NOVEMBER 16,

FOR FINAL CONSIDERATION.

PUBLISHED BY ORDER OF THE CONVENTION



PROVIDENCE, R.I.
OFFICE OF THE NEW AGE.

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PRELIMINARY NOTICE.

In session of the CONVENTION of the PEOPLE of RHODE-ISLAND, October 9th, 1841, it was *voted*, that the Convention adjourn, to meet again at Providence, on the 3d Tuesday of November next (the 16th day) at 2 o'clock P. M. It was also *voted*, that a Committee of five be appointed to arrange in proper order, and cause to be engrossed, the Articles of a CONSTITUTION for this State, which have been adopted by this Convention; and, with the aid of the Secretaries, to publish the same, for the information of the PEOPLE.

THOMAS W. DORR, and JOHN A. BROWN, of Providence,—JOHN R. WATERMAN, of Warwick,—DAVID DANIELS, of Smithfield,—and NATHAN BARDIN, of Bristol, were appointed this Committee.

A true copy from the Journal of the Convention. Attest:

WILLIAM H. SMITH,

JOHN S. HARRIS,

Secretaries.

The undersigned, in discharge of the duties of their appointment, publish, for the information of the PEOPLE of this State, the following CONSTITUTION, containing Thirteen Articles adopted by the CONVENTION. After article 13th, will be found several *Propositions*, which were not acted upon, but which will come up, for consideration at the next meeting of said Convention in November.

THOMAS W. DORR,
JOHN A. BROWN,
JOHN R. WATERMAN,
DAVID DANIELS,
NATHAN BARDIN.

Committee.

Providence, Oct , 13th, 1841.

CONSTITUTION

OF THE

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

WE, the PEOPLE of the State of RHODE-ISLAND and PROVIDENCE PLANTATIONS grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of Religious and Political Freedom here "held forth" by our venerated ancestors, and earnestly imploring the favor of his gracious Providence toward this our attempt to secure, upon a permanent foundation, the advantages of well ordered and rational Liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following CONSTITUTION of Government for this State.

ARTICLE I.

Declaration of Principles, Rights and Duties.

1. In the spirit and in the words of ROGER WILLIAMS, the illustrious Founder of this State, and of his venerated associates, WE DECLARE, "that this government shall be a DEMOCRACY," or government of the PEOPLE, "by the major consent" of the same, "ONLY IN CIVIL THINGS." The will of the people shall be expressed by Representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its Founder, sacred to "SOUL LIBERTY," to the rights of conscience, to freedom of thought, of expression and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent and inalienable Rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Government cannot create or bestow these rights, which are the gift of God; but it is instituted for the stronger and surer defense of the same; that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be successful in the pursuit of happiness.

3. All political power and sovereignty are originally vested in, and of right belong to the PEOPLE. All free governments are founded in their authority, and are established for the greatest good of the whole number. The PEOPLE have therefore an inalienable and indefeasible right, in their original, sovereign and unlimited capacity, to ordain and institute government, and, in the same capacity, to alter, reform or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society or religious denomination; and the laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality, in the fear of God, being of the first importance in a Republican State, and indispensable to the maintainance of its liberty, it shall be an imperative duty of the Legislature to promote the establishment of Free Schools, and to assist in the support of Public Education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his rights of person, property or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

7. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge unless on indictment by a grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger.— No person shall be tried, after an acquittal, for the same crime or offense.

9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offense.

10. All prisoners shall be bailable in sufficient sureties, unless for capital offenses, when the proof is evident, or the presumption great. The privilege of the writ of Habeas Corpus shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety shall require it.

11. In all criminal prosecutions, the accused shall have the privilege of a speedy and public trial, by an impartial jury; be informed of the nature and cause of the accusation; be confronted with the witnesses against him; have compulsory process to obtain them in his favor; have the assistance of counsel in his defense, and be at liberty to speak for himself. Nor shall he be deprived of his life, liberty or property unless by the judgment of his peers, according to the laws of the land.

12. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

13. No man in a Court of common law shall be compelled to give evidence against himself.

14. Every man being presumed to be innocent, until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

15. The People have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; to give instructions to their Senators and Representatives; to apply to those invested with the powers of Government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

16. The liberty of the Press being essential to the security of freedom in a
secured

State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, spoken from good motives and for justifiable ends, shall be a sufficient defense to the person charged.

17. The right of trial by jury shall remain inviolate.

18. Private property shall not be taken for public uses without just compensation; nor unless the public good require it; nor under any circumstances until compensation shall have been made, if required.

19. The military power shall always be held in strict subordination to the civil authority.

20. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war but in manner to be prescribed by law.

21. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerated ancestors in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand, and be best maintained, with full liberty in religious concerns, We therefore DECLARE, that no man shall be compelled to frequent, or support any religious worship, place or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in no wise diminish, enlarge or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

22. No witness shall be called in question before the Legislature, nor in any Court of this State, nor before any magistrate, or other person, authorised to administer an oath, or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

23. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

24. The enumeration of the foregoing rights shall not be construed to impair nor deny others retained by the people.

25. The General Assembly shall have no power hereafter to incur State debts, to an amount exceeding the sum of Fifty Thousand dollars, except in time of war, or in case of invasion, without the express consent of the People. Every proposition for such increase shall be submitted to the electors, at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that now is, or hereafter may be, deposited with this State by the General Government.

26. The assent of two thirds of the members elected to each House of the General Assembly shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes; or for creating, continuing, altering or renewing any body politic or corporate, banking corporations excepted.

27. Hereafter when any Act for the incorporation of a bank, authorized to issue its promissory notes for circulation, shall pass the two Houses of the General Assembly, instead of being sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election; or on some day to be set apart for that purpose, with printed tickets, containing the question, shall said bank (with a brief description thereof) be granted, or not; and if a majority of all the electors voting shall vote to grant said bank, it shall be granted, otherwise not.

28. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in any wise affecting the same; and this provision shall be inserted in all acts of incorporation hereafter granted.

29. The General Assembly shall exercise, as heretofore, a visitatorial power over corporations. Three Bank Commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And Commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session, for the same term of office.

ARTICLE II.

Of Electors and the Right of Suffrage.

1. Every white male citizen of the United States, of the age of twenty one years, who has resided in this State for one year, and, in the town, city, or district where he offers to vote, for three months, next preceding an election, shall be an elector of all officers, who are elected, or may hereafter be made eligible by the People. But persons in the military, naval, or marine service of the United States shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place, in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime; and shall not be restored unless by an act of the General Assembly.

3. No person, who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty; provided, that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for ratable property, in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected, or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding such town, city, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common council man, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the people, except town or city officers, shall be by ballot; that is to say, by depositing a written or printed ticket

the ballot box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this Constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot box; for the preservation of the purity of elections; and for the safe keeping and accurate counting of the votes; to the end that the will of the people may be freely and fully expressed, truly ascertained and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the people, who does not possess the qualifications of an elector.

ARTICLE III.

Of the Distribution of Powers.

1. THE powers of the Government shall be distributed into three departments, the Legislative, the Executive and the Judicial.

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases therein directed or permitted.

ARTICLE IV.

Of the Legislative Department.

1. THE Legislative power shall be vested in two distinct Houses, the one to be called the House of Representatives, the other the Senate, and both together the General Assembly. The concurrent votes of the two Houses shall be necessary to the enactment of laws; and the style of their laws shall be—Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any civil office under the authority of the State during the term for which he shall have been elected. If any Representative or Senator in the General Assembly of this State shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant; and any person, who holds an office under the Government of the United States, may be elected a member of the General Assembly, and may hold his seat therein, if at the time of his taking his seat, he shall have resigned said office, and shall declare the same on oath, or affirmation, if required. No member of the General Assembly shall take any fees, be of counsel, or act as advocate before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof.

3. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, shall constitute a quorum to do business; but

a smaller number may adjourn, from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as each House may have previously prescribed.

4. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but not a second time for the same cause.

5. Each House shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members. The yeas and nays of the members of either House, shall, at the desire of any five members present, be entered on the journal.

6. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest, during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

7. The civil and military officers, heretofore elected in grand Committee, shall hereafter be elected annually by the General Assembly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this Constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe; and such officers, so elected, shall be approved of and commissioned by the Governor, who shall determine their rank; and if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

8. Every bill and every resolution requiring the concurrence of the two Houses (votes of adjournment excepted) which shall have passed both Houses of the General Assembly, shall be presented to the Governor for his revision. If he approve of it, he shall sign and transmit the same to the Secretary of State; but if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it, by a majority of all the members elected, it shall be sent with the objections to the other House, which shall also reconsider it; and, if approved by that House, by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

9. There shall be two sessions of the General Assembly in every year; one session at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this Constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent or Bristol, as the General Assembly may determine, before their adjournment in June.

ARTICLE V.

Of the House of Representatives.

1. THE House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings, on the third Wednesday of April, annually.

2. The Towns and Cities shall severally be entitled to elect members, according to the apportionment which follows, viz:—Newport to elect five; Warwick four; Smithfield five; Cumberland, North Providence and Scituate three; Portsmouth, Westerly, New Shoreham, North Kingstown, South Kingstown, East Greenwich, Glocester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster and Burrillville to elect two; and Jamestown, Middletown and Barrington to elect one.

3. In the city of Providence there shall be six Representative Districts, which shall be the six wards of said city. And the electors resident in said districts, for the term of three months, next preceding an election, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six Representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

ARTICLE VI.

Of the Senate.

1. THE State shall be divided into twelve Senatorial Districts; and each district shall be entitled to one Senator, who shall be annually chosen by the majority of the electors in his district.

2. The first, second and third, Representative Districts in the City of Providence shall constitute the first Senatorial District; the fourth, fifth and sixth Representative Districts in said City, the second District; the Town of Smithfield the third District; the Towns of North Providence and Cumberland the fourth District; the Towns of Scituate, Glocester, Burrillville and Johnston the fifth District; the Towns of Warwick and Cranston the sixth District; the Towns of East Greenwich, West Greenwich, Coventry and Foster the seventh District; the Towns of Newport, Jamestown and New Shoreham the eighth District; the Towns of Portsmouth, Middletown, Tiverton and Little Compton the ninth District; the Towns of North Kingstown and South Kingstown the tenth District; the Towns of Westerly, Charlestown, Exeter, Richmond and Hopkinton the eleventh District; the Towns of Bristol, Warren and Barrington the twelfth District.

3. The Lieutenant Governor shall be, by virtue of his office, President of the Senate; and shall have a right, in case of an equal division, to vote in the same; and also to vote in joint committee of the two Houses.

4. When the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the Senate.

5. Vacancies in the Senate, occasioned by death, resignation, or otherwise, shall be filled by the two Houses in joint committee. *a new election*

6. The Secretary of State shall be by virtue of his office Secretary of the Senate

ARTICLE VII.

Of Impeachments.

1. THE House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and when sitting for that purpose they shall be an oath or affirmation. No person shall be convicted except by vote of two thirds of the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court shall preside, with a casting vote. *and a full representation of the Senate*

3. The Governor and all other Executive and Judicial officers shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office. The party convicted shall nevertheless be liable to indictment, trial and punishment, according to law.

ARTICLE VIII.

Of the Executive Department.

1. The Chief Executive power of this State shall be vested in a Governor, who shall be chosen by the qualified electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, or any other Power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander in chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march, nor convey any of the citizens out of the State without their consent, or that of the General Assembly, unless it shall become necessary, in order to march or transport them from one part of the state to another, for the defense thereof.

5. He shall appoint all civil and military officers, whose appointment is not by this Constitution, or shall not, by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State; and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit, after conviction, all forfeitures and penal ties; and to grant reprieves, commutation of punishments, and pardons, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased, nor diminished, during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same

term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the Lieutenant Governor shall exercise the office of Governor, until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the Senate shall elect a President, who shall exercise the office of Governor until a Governor be duly qualified; and should such vacancies occur during a recess of the General Assembly, the Secretary of State, shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor. Whenever the Lieutenant Governor, or President of the Senate, shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

12. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided, that the time of adjournment shall not be extended beyond the day of the next stated session.

13. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town, or city, in this State, at any other time than herein before provided. And, in case of danger, from the prevalence of epidemic or contagious diseases, or from other circumstances, in the place, in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

14. A Secretary of State, a General Treasurer, and an Attorney General shall also be chosen annually, in the same manner and for the same time as is herein provided for the choice of Governor. The duties of these officers shall be the same as are now or may hereafter be prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

15. The electors in each county shall, at the annual elections in April, vote for an inhabitant of the county, qualified as an elector, to be Sheriff of said county, for one year, and until a successor be duly qualified. In case no person shall have a majority of the electoral votes of his county for Sheriff, the General Assembly, in joint committee, shall elect a Sheriff from the two candidates, who shall have the greatest number of votes in such county.

16. All commissions shall be in the name of the State of Rhode-Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

ARTICLE IX.

Of Elections.

1. THE election of the Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, and also of Senators and Representatives to the General Assembly, shall be held on the third Wednesday of April, annually.

2. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer and Attorney General shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as Senators, and also of those

voted for as Representatives shall be put upon separate tickets, and the tickets shall be deposited in separate boxes; and the polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General and Senators, shall remain in the ballot boxes till the polls be closed. The votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelopes, by the moderators and town clerks, and by the wardens and ward clerks, who shall forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State officers to the Speaker of the House of Representatives, after the House shall be duly organized, at the June Session of the General Assembly. The votes last named shall, without delay, be opened, counted and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House. The votes for Senators shall be counted by the Governor and Secretary of State within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The votes for Representatives to the General Assembly in the several towns shall be deposited in separate boxes, which shall not be opened till the polls for Representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole number of Representatives, to which the town is entitled, the polls for Representatives shall be re-opened and the like proceedings had, until an election shall take place. But an adjournment may be made, in case of a second failure, to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for Representatives shall be kept open during the whole time of voting for the day; and the votes in the several wards shall be sealed up, at the close of the meeting, by the wardens and ward clerks, in the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city, or cities, shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the Representatives, whom the Representative Districts are entitled to elect, shall have taken place, the mayor and aldermen shall order a new election, to be held not more than nine days from the day of the first election; and so on till the election of Representatives shall be completed. Certificates of election shall be furnished by the city clerks.

6. If there be no choice of a Senator, or Senators, at the annual election, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities, in the Senatorial District or Districts, that may have failed to elect, requiring them to open town and ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for Senators. If, on this second trial there shall be no choice of a Senator, or Senators, the Governor shall certify the result to the Speaker of the House of Representatives; and the House of Representatives, and as many Senators as shall have been chosen, shall forthwith elect, in joint committee, a Senator or Senators, from the two candidates, who may receive the highest number of votes in each district.

7. If there be no choice of Governor at the annual election, the Speaker of the House of Representatives shall issue his warrant to the clerks of the several towns and cities, requiring them to warn town and ward meetings for another election, on a day to be named by him, not more than thirty, nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives, who shall count the votes for Governor. If, on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly, in joint committee, shall, at their next session, elect a Governor, from the two candidates having the highest number of votes, to hold his office as herein provided.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding section; provided that the second trial for the election of Governor and Lieutenant Governor shall be on the same day; and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of votes, without a further appeal to the electors.

9. All town, city, and ward meetings for the choice of Representatives, Senators, State Officers, Representatives to Congress, and Electors of President and Vice President shall be warned by the town, city, or ward clerks, at least seven days before the same are held.

10. In all elections held by the people under this Constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article shall be the following. You, being elected to the place of Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, or the places of Senators or Representatives, do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the Constitution thereof; that you will support the Constitution of the United States, and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities and understanding—So help you God! or, this affirmation you make and give upon the peril of the penalty of perjury.

ARTICLE X.

Of the Judiciary.

1. THE Judicial power of this State shall be vested in one Supreme Court, and in such other Courts, inferior to the Supreme Court, as the Legislature may, from time to time, ordain and establish; and the jurisdiction of the Supreme and of all other Courts, may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the Supreme court; but no other Court exercising chancery powers shall be established in this State.

3. The Justices of the Supreme Court shall be elected in joint Committee of the two Houses, to hold their offices for one year, and until their places, or the place of any one of them, be declared vacant by a resolution to that effect, which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same vote of the other House, with-

out revision by the Governor. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at the said session, the Judge, or Judges, shall hold his or their places for another year. But a Judge of this court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or absence from the State of a Judge of this Court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as before provided.

5. The Justices of the Supreme Court shall receive a compensation, which shall not be diminished during their official term of one year.

6. The Judges of the Courts inferior to the Supreme Court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the City of Providence, a sufficient numbers of Justices of the Peace, or Wardens, resident therein, with such jurisdiction as the General Assembly may prescribe. And said Justices, (except in the towns of New Shorcham and Jamestown) shall be commissioned by the Governor.

8. The Judges of the Courts shall, in all trials, state the testimony and declare the law to the jury.

9. The Courts of Probate in this State shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

ARTICLE XI.

Of Education.

1. ALL moneys which now are, or may hereafter be appropriated, by the authority of the State, to the School Fund, shall be securely invested, and remain a perpetual fund for the maintainance of Public Schools in this State; and the General Assembly are prohibited from diverting said fund from this use, and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretense whatsoever. But the income derived from said fund shall be annually paid over, by the General Treasurer, to the towns and cities of the State, for the support of said schools, in equal proportions, according to their population, as ascertained by the census of the United States. The several towns and cities shall faithfully devote their portions of said annual distribution to said purpose; and, in default thereof, shall forfeit their shares of the same, to the benefit of the other towns and cities, for such time as shall be prescribed by law.

2. All charitable donations for the support of Free Schools, and other purposes of Public Education, shall be received by the General Assembly, and invested, and applied agreeably to the terms prescribed by the donors; provided the same be not inconsistent with the Constitution, or with sound public policy; in which case the donation shall not be received.

3. The General Assembly shall make all the necessary provisions by law for carrying this article into effect.

ARTICLE XII.

Amendments.

THE General Assembly may propose Amendments to this Constitution by the vote of a majority of all the members elected to each House. Such propositions

all be published in ~~all~~ the newspapers in the State; and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be by said clerks inserted in the warrants, or notices, by them issued, for warning the next annual town and ward meetings in April, and the clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had—If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published, as before provided, and then sent to the electors in the mode provided in the act of approval; and, if then approved by a majority of all the qualified electors of the State, in town and ward meetings, to be specially convened for that purpose, it shall become a part of the Constitution of the State.

ARTICLE XIII.

General Provisions.

1. THIS Constitution, if adopted, shall go into operation on the first Tuesday of May in the year one thousand, eight hundred and forty two. The first election of Governor, Lieutenant Governor, Secretary of State, Attorney General and General Treasurer, and of Representatives and Senators under said Constitution shall be had on the third Wednesday of April next preceding.—All civil, judicial and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices and may exercise their powers until that time. All laws and statutes, public and private, now in force, and not repugnant to this Constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this Constitution had not been made. The present government shall exercise all the powers, not repugnant to this Constitution, with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors under this Constitution are duly elected and qualified.

2. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the State, as if this Constitution had not been formed.

3. This Constitution shall be the supreme law of the State; and the Judges of all the Courts, and all other officers, both civil and military, shall be bound by oath or affirmation, to its due observance.

4. The Supreme Court, established by this Constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, in each county, as the present Supreme Judicial Court, until the General Assembly shall otherwise prescribe.

5. The citizens of the town of New Shoreham shall hereafter have the same exemptions from military duty, and the duty of serving as jurors in the Courts of this State, which they now have or ever had. And the citizens of the town of Jamestown shall be forever hereafter exempted from military field duty.

6. The General Assembly shall not pass any law, or cause any act or thing to

be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State, or States, the jurisdiction whereof may be ceded to, or decreed to belong to this State; and the inhabitants of such territory shall continue in the full, quiet and undisturbed enjoyment of their titles to the same, without interference in any way on the part of this State. (Nothing in this Constitution shall be so construed as to prevent the General Assembly from assigning to any town or towns, now under another jurisdiction, that may be hereafter annexed to this State, an equitable representation in the General Assembly; and the General Assembly may constitute said town or towns, if of sufficient population, a senatorial district, or districts, or annex the said town or towns to another district, or to other districts, as may be deemed expedient.)

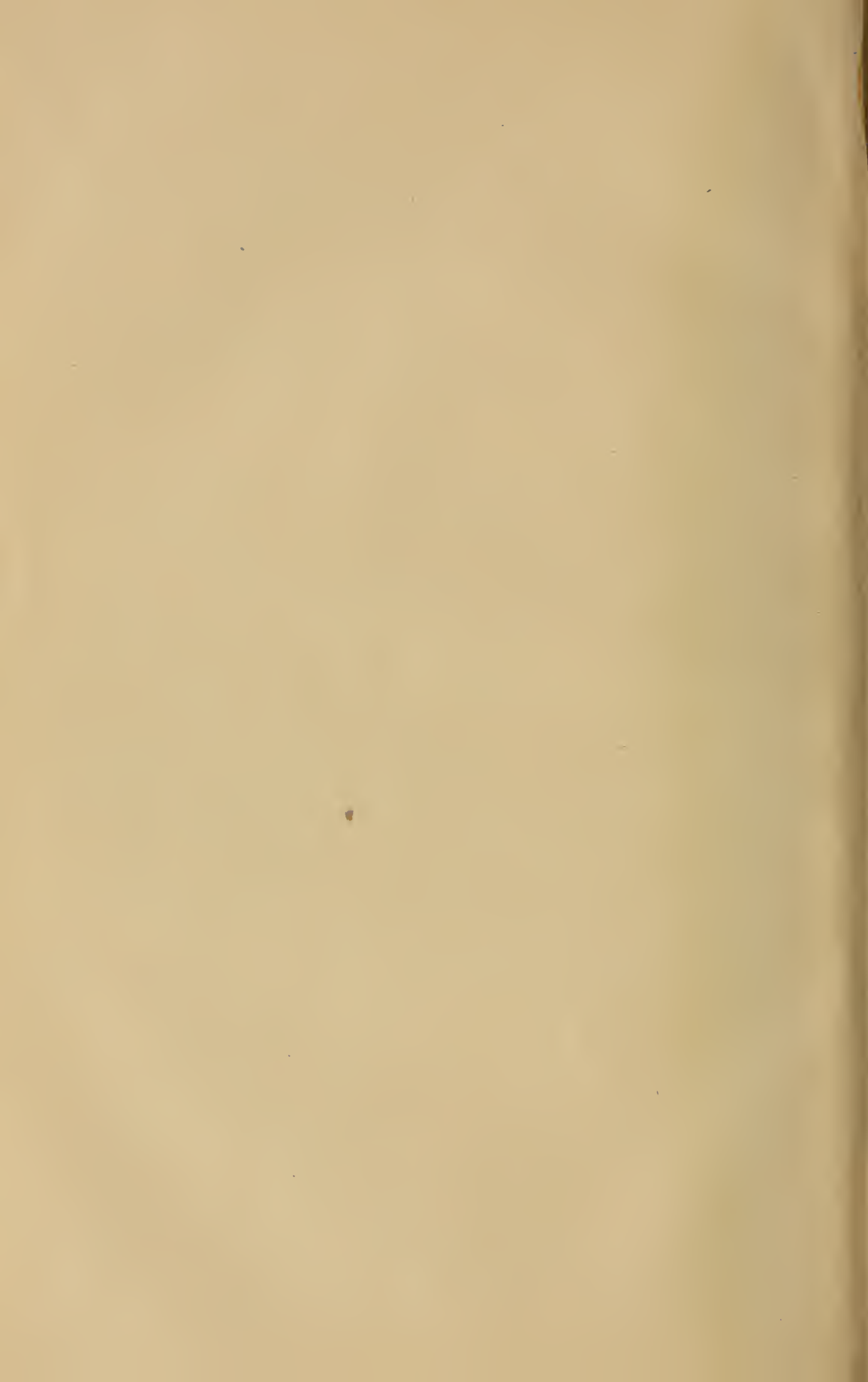
Propositions not acted upon.

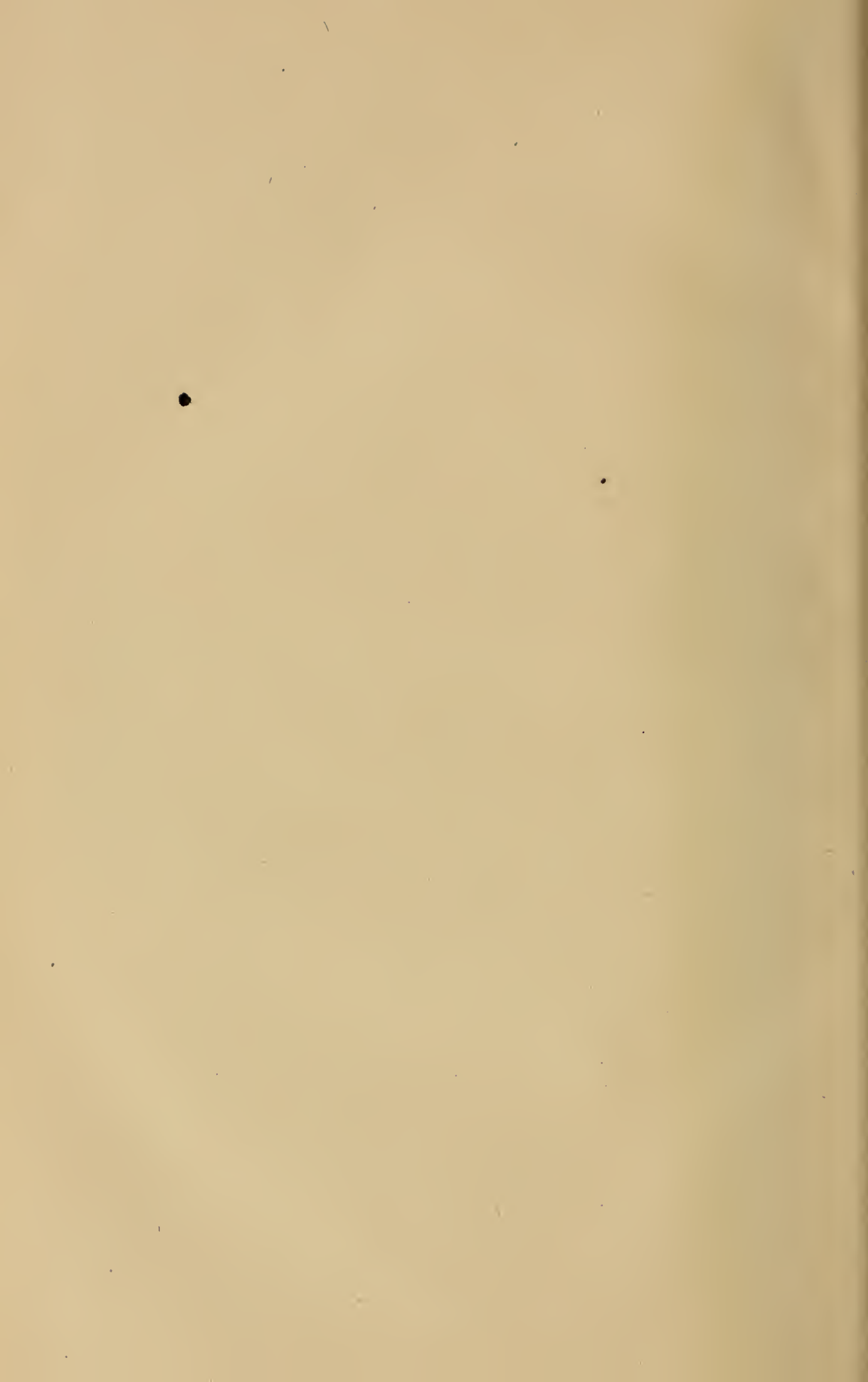
1. No jurisdiction shall hereafter be entertained by the General Assembly, in cases of insolvency, divorce, sale of real estate of minors, appeal from judicial decisions, or of any other matters appertaining to the jurisdiction of Judges, and Courts of law, except as is provided in this Constitution.

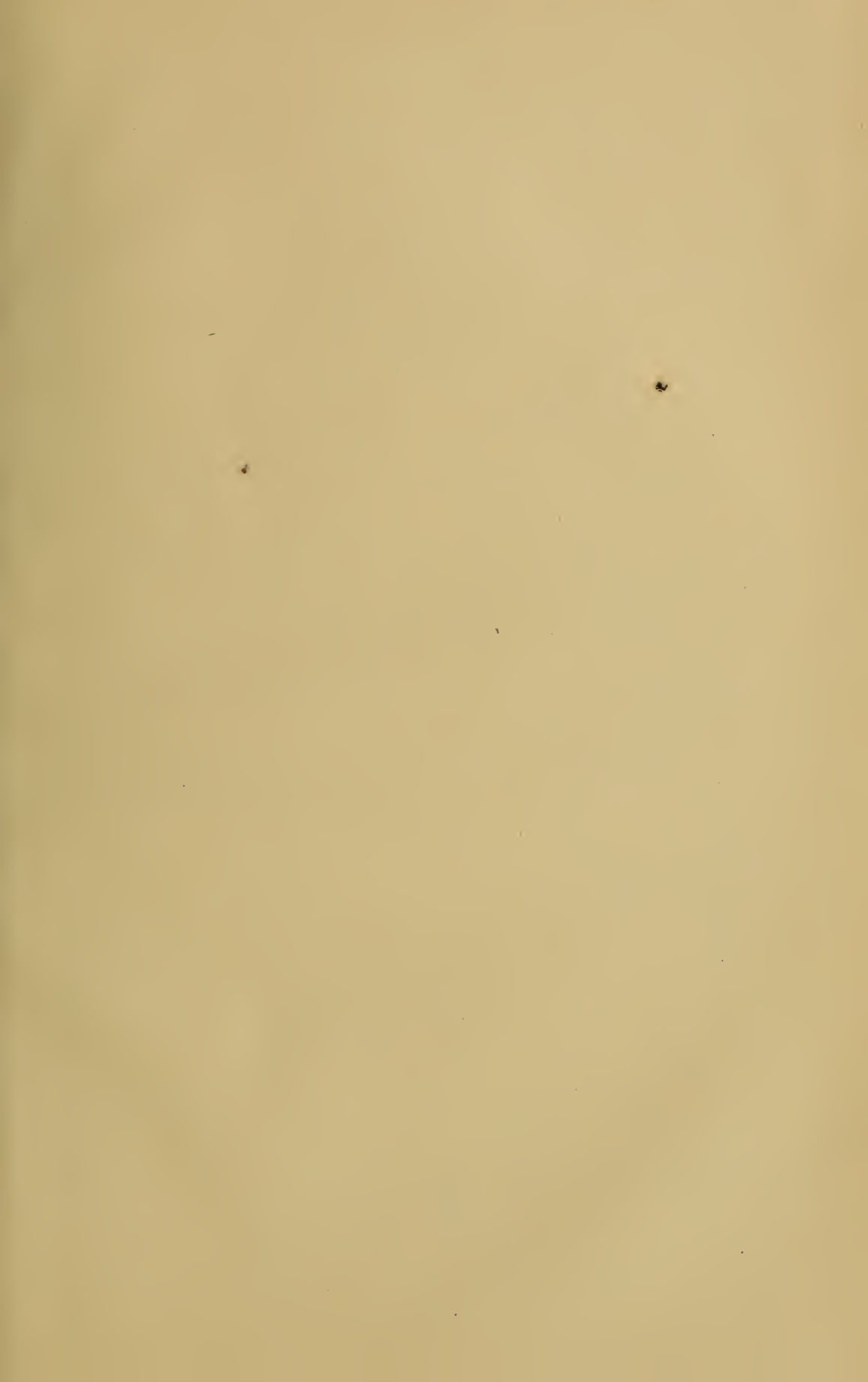
2. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submitting the question of an additional tax, or taxes, to the electors of said city; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession, in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a tax, and shall have paid the same, as provided for in section fourth of Article II.—Nothing in that Article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

3. A proposition to secure a jury trial to persons in this State, who are claimed to be held to labor or service under the laws of any other State.









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